

## REMARKS

This Amendment is responsive to the final office action dated April 29, 2008. Claims 28-41 are currently pending and claims 28 and 34 are amended. Applicant respectfully requests reconsideration of the rejected claims based on the distinctions demonstrated below.

### **§ 102 Rejection**

Claims 28-39 have been rejected under 35 U.S.C. §102(e) as being anticipated by Multer et al., U.S. Patent No. 6,671,757 ('Multer').

Regarding independent claims 28 and 34, the Applicant has noted the Examiner's arguments and has amended claims 28 and 34 to emphasize the differences between the invention and the patent to Multer. First, the Examiner references Figures 4, 7 and 8 in Multer for teaching that the host device provides a plurality of conduits. Applicant respectfully submits that conduits are not just simple connections established between devices as portrayed in Figures 1-7 in Multer and described at col 5, lines 58-65, of its specification:

*In FIG. 1, a first system or device, system ~ and a second system or device, system B, are coupled by a communication line 110. It should be readily understood that communication line may be any direct coupling of the two systems which allows data to pass between the systems such as, for example, by means of serial ports, parallel ports, an Ethernet connection or other type of network, or an infrared link, or the like.*

Conduits in the context of the present inventions are intelligent systems. The Examiner's attention is directed to the present specification, see page 25, last paragraph through page 26, first paragraph, also indicated below for the Examiner's convenience:

*In one embodiment of the present invention, conduit programs are resident on host computer system 56. During synchronization, conduit programs are activated to maintain data pipelines between host computer 56 and PDA 100 during synchronization. The conduits act as gateways between the two devices to drive the data synchronization between PDA 100 and the host computer 56. Each conduit is assigned to each unique pair of corresponding applications on the host computer system' and PDA 100. Conduits are described in more detail in the are described in the following patents which are hereby incorporated by*

*reference: u.s. ~at. No. 6,000,000 entitled ~Extendible Method and Apparatus for Synchronizing Multiple Files on Two Different Computer Systems", issued May 4, 1998; and U.S. Pat. No. 5,884,323 'entitled ~Extendible Method and Apparatus for Synchronizing Files on Two Different Computer Systems", issued March 16, 1999.*

The operation of checking for versions is performed by the conduits. Conduits, rather than them being dumb connections, are applications themselves. Multer does not teach this aspect. The claims are amended to further emphasize that the conduits perform actions.

In addition, conduits in the context of the present invention exist for specific applications and not just for the system as is depicted in Multer. The claims are amended to emphasize this capability as well. Moreover, the conduits exist for communication between the electronic device and the host device and between the application server and the host device. The electronic device would have multiple conduits connecting with the host device, being communicated over a single data connection and the host device would have a plurality of conduits connecting to a plurality of application servers, in many cases the host device to applications server connections would be communicated of a single physical link, such as an Ethernet link to the internet communicating the plurality of conduits to the plurality of application servers. Multer, additionally teaches that only changes are sent between systems. See Multer, col. 8, lines 31-34. Multer teaches away from the present invention as can be seen by the following statement: “[t]he present invention allows for optimization in terms of a reduction in the bandwidth utilized to transmit data between two systems, since only changes to data are transferred.” The present invention teaches updating whole applications, whereas Multer teaches updating files. Updating application installations is considerably more complex, generally requiring the installation and the updating of packages of applications and additionally requires an actual execution of a setup process as apposed to a simple push process.

The Examiner asserts that Multer, at col. 12, line 58 – col. 13, line 5, teaches the following claimed recitation: “*at a time when said electronic device is not coupled to said host device, actuating said conduits for comparing versions of applications stored by said host device with current versions of similar applications on said content server to determine newer versions of such applications residing on said content server, passing user identification information*

regarding the electronic device to the content server.” This section from Multer is set forth below:

*Device engine 860 further includes a versioning module which applies a version number per object in the data package. As explained further below, each object in the data package is assigned a universally unique ID (UUID). Hence, unlike many prior synchronization systems, the system of the present invention does not sync data solely by comparing time stamps of two sets of data. Versioning module 915 allows each device engine to check the state of the last synchronization against data packs which have been provided to the storage server to determine which data packages to apply. This allows the device engine to sync itself independently of the number of times another device engine uploads changes to the storage server. In other words, a first device engine does not care how many times a second device engine uploads data packages to the server.*

This text is Multer does not teach the claimed recitation. In fact, one of the most inventive and important aspects of the invention is that the electronic device is not connected to the host device and the implementation of conduits. This recitation of the claim is describes that the host device activates conduits to obtain up to date application versions from applications servers when the electronic device is not connected to the host device. This makes updating of applications quick when the electronic device is eventually synchronized with the host device. Multer, on the other hand, teaches connecting through a middle device.

The Examiner asserts that Multer teaches the claimed recitation “*at a time when said electronic device is actuated for synchronization, actuating said conduits to record said newer versions from said host device on said electronic device.*” Applicant respectfully negates this assertion. The Examiner’s attention is directed to col. 4, lines 29-30, in Multer, where Multer states:

*In a further embodiment, the invention comprises a method for synchronizing at least a first and a second resident on a first and a second systems, respectively, coupled to the Internet, respectively. The method includes the steps of: determining difference data resulting from changes to the first file on the first system; transmitting the difference data to a server via the Internet; querying the server from a second system to determine whether difference data exists for files on the second system; retrieving the difference data to the second system; and updating the second file on the second system with the difference data.*

Here, Multer clearly states that all the systems are simultaneously connected. The claimed recitation is performed after the data has already been obtained by the host device. After a

successful synchronization, conduits are activated for installed software and then the conduits install the newer versions.

The Examiner states that Multer also teaches “*newer versions of the applications are personalized for the electronic device based on the user identification information.*” The Examiner also references col. 12, line 58 – col. 13, line 5, noted above. Multer does not teach application customization based on some user identification method. Multer purely states the use of versions and a unique ID that does not teach the communication of any real user information. Multer does not anticipate the subject matter of amended claims 28 and 34 or their dependent claims 29-33 and 35-41, respectively.

Withdrawal of the rejection of claims 28-41 under 35 U.S.C. §102(e) is accordingly respectfully requested.

### ***Conclusion***

All of the stated grounds of rejection have been properly addressed. Applicants therefore respectfully request that the Examiner reconsider the outstanding rejections. The Examiner is invited to telephone the undersigned representative if an interview might expedite allowance of this application.

Respectfully submitted,

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